

# NEWS FROM ED MARKEY

**United States Congress**

**Massachusetts Seventh District**

**FOR IMMEDIATE RELEASE**

**February 11, 2004**

**CONTACT: Israel Klein**

**Colin Crowell**

**(202) 225-2836**

## **MARKEY STATEMENT FOR BROADCAST INDECENCY HEARING**

**Washington, DC:** This is the prepared statement from Representative Edward J. Markey (D-MA), the Ranking Democrat on the House Subcommittee on Telecommunications and the Internet, which will be delivered at the hearing on broadcast indecency today:

“Thank you, Mr. Chairman. I want to commend Chairman Upton for calling this hearing this morning on the issue of broadcast radio and television indecency.

Today’s hearing will permit us to gain testimony on the legislation that Chairman Upton and I have introduced, along with many of our Committee colleagues on both sides of the aisle, to raise the fines available to the FCC tenfold.

The public’s airways are licensed to a relatively precious few who have the honor, opportunity, and obligation to use them as trustees of the public interest. There are those licensees, however, who are not treating these licenses as a public trust, but as mere corporate commodities, and they air content replete with raunchy language, graphic violence, and indecent fare.

The Federal Communications Commission (FCC) is charged with ensuring that licensees serve the public interest and that stations do not air obscene, indecent, or profane content in violation of the law and Commission rules. The enforcement record at the FCC is not encouraging. In 2002, there were 14,000 complaints about some 389 different programs, yet the FCC issued only 7 notices of apparent liability (NALs) that year. Last year, complaints skyrocketed to 240,000 for allegations about 375 different programs. Yet last year the Commission issued only 3 notices of apparent liability. And we heard testimony at our first hearing that thousands of complaints are never addressed or languish to the point where essentially the statute of limitations runs out.

The FCC has many numerous tools to enforce these important policy requirements – including the ability to revoke a station license. Yet it is increasingly clear that the paltry fines the FCC assesses have become nothing more than a joke. They have become simply a cost of doing business for far too many licensees, particularly in the radio marketplace. Many stations regard the prospect of a fine as merely a potential slap on the wrist.

Washing their mouths out with soap would have a greater deterrent effect than the few and paltry fines the FCC currently levies.

The FCC’s utter unwillingness to revoke licenses or raise these issues during license renewal essentially means there’s no real deterrent effect left. This is especially true of the multi-billion dollar media conglomerates who control a multitude of stations. What possible deterrent effect can \$27,000 have on a company which reaps in \$27 Billion in annual revenues? We need to have a public discussion about the FCC’s failure to use its enforcement and deterrent tools effectively - even in the most egregious cases - and

what the FCC plans to do about this issue. Clearly, Congress will have to address these shortcomings at the FCC.

Second, we need to do a better job in educating parents about the tools they already may possess or can utilize to address the myriad concerns they raise with us about what is on TV and radio -- and need the assistance of the industry in this area. Parents can use the TV ratings system and the V-Chip, which stems from legislation I authored 7 years ago. Today, the several million families that use the V-Chip and like it. Yet the vast majority of parents will only use it if they fully understand the ratings system and how it works in conjunction with the chip, and only if such parents have bought a recent TV that has the chip in it. The industry did a good job, with much fanfare, after the TV ratings system was finalized, in doing public service announcements and other educational messages regarding the ratings. Yet those efforts have waned in recent years. I believe the industry should renew such efforts and also consider a number of other ideas.

For instance, I believe that the icon that appears at the beginning of a show, such as TV-13, with a V, S, or L for violence, sex, or language, should also appear after each commercial break. That way, channel surfers who land on that show during commercials will get a warning as the show resumes. I also believe the industry should consider adding a voice-over when the ratings appear. If dad or mom is in the kitchen, out of the room, or distracted reading a newspaper, they may not see the icon when it appears. A voice-over could help parents hear the rating as the show begins and prompt them to change the channel and protect their children from inappropriate programming.

With respect to cable programming, we need to explore ways in which we can educate parents, and make more useful, the provisions of the Cable Act of 1992 that permit any cable subscriber to request a blocking mechanism to block out any cable channel parents find objectionable. If a family buys the expanded tier of basic cable service, but does not want MTV in their house, they can request equipment from their cable operator that effectively blocks out MTV. This is an option that many subscribers do not know they have and we should explore ways of improving the effectiveness of this provision.

Clearly, many broadcasters need to clean up their act. Parents are increasingly frustrated and have every right to be angry at both certain licensees with a history of repeated violations as well as with the FCC itself.

I thank our witnesses for their time and testimony and again commend the Chairman for calling this hearing."

# # #